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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARIA BEVERS;

Case No.: 2:17-cv-01476

Plaintiff,

vs.

COMPLAINT

NATIONAL CREDIT SYSTEMS, INC., a
Georgia corporation

Defendants.

Plaintiff, MARIA BEVERS (hereinafter referred to as "PLAINTIFF"), by and through undersigned counsel, brings this complaint against Defendant, NATIONAL CREDIT SYSTEMS, INC. (hereinafter referred to as "DEFENDANT") and in support thereof alleges the following:

PRELIMINARY STATEMENT

1. PLAINTIFF brings this action for statutory damages arising from DEFENDANT's violations of the Fair Debt Collection Practices Act (hereinafter referred to as the "FDCPA"), 15 U.S.C. § 1692, *et seq.*

JURISDICTION AND VENUE

2. The Court has jurisdiction over this action pursuant to 15 U.S.C. § 1692k(d).
3. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claim occurred in Las Vegas, Nevada.

PARTIES

4. PLAINTIFF is a natural person residing in Henderson, Nevada.

5. PLAINTIFF is a “consumer” as defined in the FDCPA at 15 U.S.C. § 1692a(3).

6. PLAINTIFF allegedly owes a (past due) consumer “debt” as defined by 15 U.S.C. § 1692a(5).

7. DEFENDANT was formed in Georgia, the principal purpose of whose business is the collection of debts, with a principal place of business at 3750 Naturally Fresh Blvd., Atlanta, GA 30349.

8. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT regularly collects or attempts to collect consumer debts owed or due or asserted to be owed or due another and that DEFENDANT is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

STATEMENT OF FACTS

9. PLAINTIFF repeats, re-alleges, and incorporates by reference, paragraphs 1 through 8 inclusive, above.

10. In June of 2016, PLAINTIFF moved out of the Montecito Pointe apartment complex.

11. At the time of move-out, PLAINTIFF paid what she believed was due.

12. On July 30, 2017, Esther Contreras, the Assistant Manager of Montecito Pointe Apartments, called to notify PLAINTIFF that there remained a past due balance of \$45.15.

13. PLAINTIFF immediately paid the \$45.15.

14. On February 16, 2018, DEFENDANT sent, or caused to be sent, an initial collection letter to PLAINTIFF regarding a past due debt allegedly owed to Montecito Pointe Apartments. See **Exhibit 1**.

1 36. Included with PLAINTIFF's written dispute was an email from Montecito Pointe
2 Apartment stating that PLAINTIFF'S account was "paid in full and satisfied." *Id.*

3 37. On April 2, 2018, DEFENDANT credit reported the alleged debt.

4 38. DEFENDANT did not report the debt as disputed.

5 39. As a result of the FDCPA violations by DEFENDANT, PLAINTIFF is entitled to
6 an award of statutory damages.
7

8 40. It has been necessary for PLAINTIFF to obtain the services of an attorney to
9 pursue this claim, and is entitled to recover reasonable attorneys' fees therefor.

10 **DEMAND FOR JURY TRIAL**

11 41. Please take notice that PLAINTIFF demands trial by jury in this action.
12

13 **PRAYER FOR RELIEF**

14 WHEREFORE, PLAINTIFF respectfully prays that this Court grant the following relief in
15 PLAINTIFF'S favor, and that judgment be entered against DEFENDANT for the following:

- 16 (1) For statutory damages awarded to PLAINTIFF, not to exceed \$1000, pursuant to
17 15 U.S.C. § 1692k(a)(2)(A);
18 (2) For reasonable attorneys' fees for all services performed by counsel in connection
19 with the prosecution of these claims;
20 (3) For reimbursement for all costs and expenses incurred in connection with the
21 prosecution of these claims; and
22 (4) For any and all other relief this Court may deem appropriate.
23

24 Dated this 7th day of June 2018
25

26 Respectfully Submitted,
27 **GESUND & PAILET, LLC**

28 /s/ Keren E. Gesund, Esq.
 KEREN E. GESUND, ESQ.

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